



Tempe Community Council

Katherine Hanley, Executive Director
34 E. 7th Street, Building A, Tempe, Arizona 85281
(480) 858-2300 Fax: (480) 858-2319
Web Address: <http://www.tempe.gov/tcc>

Task Force on Disability Issues Minutes February 18, 2004

In Attendance:

Resource Persons: Jim Maldonado, City of Tempe Plan Check Engineer, Gary Davis, City of Tempe Capital Projects Planner, Linda Cano, CTRS, City of Tempe Adapted Recreation Program, Collette Jones, Director, ARC of Tempe, and Leah Wiebe-Smith, City of Tempe Fine Arts Coordinator, Bob Pohlit, City of Tempe Parks and Rec. Dept.

Task Force Members: Raissa Devereux, Richard Nolan, Scott Greeves, Jo Ann Eilers, Nancy Black, Joseph Harris, Margaret Taylor Webb, Phil Pangrazio, Morris Anderson, Edward Myers, Lee Burge, Paul Bennewitz, Bonnie Guzelf, Jacque Olsen, Marcia Barry, Karen Betancourt, Roger Boylan, Mary Beth Dresser, Kathleen Green, Linda Weinberg, Linda Spears, Michael Franjevic, Mary Jo Jerde, Scott Greeves and Linda Bergevin

Tempe Community Council Staff: Martha Cronin, Lead Staff, Management Assistant, and Amanda Baldwin, Administrative Assistant

Handouts:

Task Force on Disability Issues Agenda

January 21, 2004 Task Force on Disability Issues Meeting Minutes

Bus Stop and Curb Ramp Accessibility – City of Tempe Transportation Department Handout

Tempe General Plan 2030 – Accessibility Element

Tempe Task Force on Disability Issues Organizational Input Form

Task Force on Disability Issues Email Correspondence

Winter 2004 Adapted recreation Program Brochure – City of Tempe Parks and Recreation

ARC of Tempe Calendar - Handout

I. Call to order and Introductions:

- Linda Spears, Co-chair called the meeting to order at 4:35 pm
- Ms. Spears asked the group to hold comments and questions until each of the presenters had spoken
- Discussion will be held at the end of all presentations in order to provide meaningful dialogue with presenters

II. “Resource Persons” Providing Services for People with Disabilities:

- ADA Compliance/Enforcement – Jim Maldonado, City of Tempe Plan Check Engineer
 - Mr. Maldonado works for City of Tempe Building Safety Department – in Development Services Department (DSD)
 - DSD’s jurisdiction is private development
 - Specifically, areas of development that are within the boundaries of an individual’s property – not in the public right of way
 - DSD does not deal with streets, sidewalks, or rights-of-way

- Work with private site development, both interior and exterior building development
 - DSD does oversee Americans with Disabilities Act (ADA) within the parameters of the Uniform Building Code adopted in 1994.
 - The Arizona State Disabilities Act also requires enforcement of ADA Accessibility Guidelines (ADAAG).
 - Both requirements must be met; and the most stringent will apply
 - Mr. Maldonado worked on the Attorney General's Subcommittee on Arizona's Disability Act
 - Has been designated as ADA Specialist for the DSD. Assists plan reviewers to make sure that plans are accessible as far as code will allow.
- City Infrastructure/Capital Maintenance – Gary Davis, City of Tempe Capital Projects Planner, Transit and Transportation Department
 - Deals with public rights-of-way
 - Bus Stop and Curb Ramp Accessibility – City of Tempe Transportation Department Handout in packets
 - Mr. Davis reviewed the information in the packets with the group
 - City attempts to go beyond the minimum requirements
 - With questions about specific bus stops and accessibility, call Mr. Davis
 - Gary Davis' office telephone: **480-858-2105**
 - Tempe recently modified the Engineering Department's standard details for curb ramps to reflect current ADA best practices, not just the minimum standards
 - Will upgrade curb ramps and sidewalks on request
 - Public Works Department - **480-350-8284**
- Recreation, public art and culture
 - Linda Cano, CTRS, City of Tempe Adapted Recreation Program
 - Adapted Recreation Program was developed two years ago
 - Winter 2004 Adapted recreation Program Brochure – City of Tempe Parks and Recreation brochure
 - Prior to development of this program, city sponsored programs were very limited
 - Working on developing new programs and modifying existing ones. Current programs include the following:
 - Summer Day Camp – want to offer to a more diverse group
 - Friday Night Dances
 - Bowling
 - Special Olympics Programs
 - Different Classes
 - Also offer Assessment Services
 - Has not been taken utilized to a significant degree
 - Residents who are new to Tempe will have consultation with Ms. Cano regarding limitations, interests, concerns
 - Ms. Cano will look for services and provide a list of contacts on where to find specific services
 - Ms. Cano is also the contact for special accommodations for other parks and recreation classes and programs
 - Also partners with the ARC of Tempe

- Primary population served are citizens with mental disabilities, they are trying to expand
- Collette Jones, Director, ARC of Tempe
 - Serves adults (age 16 and older) with mental disabilities
 - Calendar of events was handed out
 - Provide respite services for the parents
 - Allows the individuals to develop friendships and spend time with those friends
 - Provides recreational opportunities for the individuals
- Leah Wiebe-Smith – City of Tempe Fine Arts Coordinator
 - Ms. Wiebe-Smith has only been with the city for two and a half months.
 - Public art is art that is integrated into the landscape and hard-scape of this community as well as art that is free standing
 - There are sixteen public pieces and over sixty private pieces in the collection
 - Public art by it's nature is about accessibility, in locations around the community where everyone can access
 - Always learning how to make art more accessible
 - There are no standards like there are for handrails
 - Each project is unique
 - The following areas are reviewed and considered:
 - The artist considers aesthetics
 - Risk management
 - Weather
 - Interaction with landscaping
 - Space and practicality
 - Safety
 - When new projects are considered, Ms. Wiebe-Smith relies on City of Tempe employees for accessibility standards and requirements
 - Uses the ADA Manual for standards (example, art on walls)
 - ADA Hotline has also been utilized for public art projects
 - One of the advantages to public art is that it is often times tactile
 - Can be experience with hands
 - There is not a “hands off“ policy
 - Example from Oregon – poet created a poem and the artist created the art to go with it – in relief and Braille and talking book format
 - When art is placed out of reach it is usually because of vandals and the danger that may be present for the materials
 - Trying to develop an arena of education and outreach
 - After school program
 - Tell the citizens about the art that has been installed
 - Opening opportunities for ASU Art students and children to create art work

- There is a public forum for input on the majority of projects

III. Panel Discussion

- Linda Spears opened the discussion
 - Ms. Spears reminded committee members that the goal of the Task Force is to evaluate what the city is currently doing with disabilities issues and provide recommendations on how to improve
 - Purpose of dialogue is to understand what the city is doing, and start putting together ideas about how to make improvements
- Mike Franjevic mentioned the phone number that was given to call for curb cut repairs. His suggested there should be a citizen reporting system where any citizen, disabled or not, can call in and report issues? It seems that contacts are there, the ability is there, the funds are sometimes there, but it is not advertised or encouraged to report.
 - Mr. Davis responded that there is no one central number. Currently it is divided (within the city) between the public and private side. This doesn't make a difference unless you are a City of Tempe employee. A good idea to bring forward is to have a central number so that citizens do not have to call several people before getting in touch of the appropriate department or person.
- Kathleen Green mentioned that several years prior the disability commission had asked for and received a Disability Hotline. If this number is still active, we need to keep publishing it so that people are aware that it is available.
 - Mr. Maldonado said that DSD will take direct calls
 - call the general number at **480-350-8341**
 - For specific projects, call Mr. Maldonado's office directly at **480- 350-8684**
 - With private development the city can't go retroactive on some things, the city is limited by state law
 - Compliance with current code is required for new construction
 - Some repairs or tenant improvements may require current code compliance depending on the guidelines
 - Example: A building that is ten years old might have some obvious issues, but if they have not come in for tenant improvements that affect those areas, or if they do not meet the 20% rule, there is nothing the city can do.
- Mr. Franjevic had a specific example of a new project at the corner of College and 5th where older bricks in the sidewalk are starting to come apart. This makes anyone in a wheelchair have a difficult time. Does anyone look at these types of issues?
 - Mr. Maldonado asked Mr. Davis if the standards (for brick sidewalks) have changed.
 - Mr. Davis answered that there has been no change in standards. This is an example of when the public works phone number should be called.
- Bonnie Guzelf commented that when new buildings are being constructed or renovations are occurring that the ADA requirements may be met. However, there should still be input from people with disabilities. Some issues may be ADA compliant, but do not make sense to persons with disabilities. Ms. Guzelf gave an example from the Chandler Fashion Mall, even though it is a different city. When

she attempts to enter with her power chair, there is no automatic door button, and the doors are too heavy to open. This is “ridiculous and degrading,” and she is sure that there are similar examples. She would like to see buildings not just follow the letter of the law but also the intent of the law.

- Mr. Maldonado said that the City of Tempe would like to be able to do that, but legally they cannot. With the [building] code adoption process for the new code, this can be a suggestion for an amendment to the codes.
 - Mr. Franjevic would like to see a proactive entity at the city level address the whole spectrum of problems.
- Ms. Spears stated that that is what the Task Force is doing here. One of our recommendations can be a code amendment that addresses these issues.
- Raissa Devereux had a specific question on infrastructure. She has noticed that many of the ATM’s (Automated Teller Machines) are set farther back which causes glare when seated in a wheelchair. Who would address this issue?
 - Mr. Maldonado explained that the banks are private entities. ADA would cover issues like reach range, but there are areas that ADA does not cover. A plan reviewer might ask “Are you sure you want to do this?” If there is a known issue. However, due to the cost of development many suggestions fall by the wayside and the city can’t ask for things that are not legal requirements.
 - Edward Myers mentioned that there have been many lawsuits in recent years that deal with ATM’s and that some standards have arisen from these.
- Joann Eilers discussed the access into stores that was mentioned by Ms. Guzelf. If a store is not easily accessible, people will not shop there.
- Margaret Taylor Webb feels that this issue is not just for people in wheelchairs, the elderly or others who can’t move heavy doors will just leave because they cannot get into the store.
- Morris Anderson stated that many of the things that are being discussed are safety and convenience issues, not necessarily disability issues. They affect everyone in this city. Regarding the example of the brick sidewalk: if bricks are not staying in place that is a safety issue and a liability for the city rather than a disability issue. As to the door opener at the mall example: while it is not required that the door has assisted door openings, this is where advocacy is important. It’s important to highlight these issues until someone pays attention. Businesses do not want word of mouth to suggest that they are not accommodating. Developing a hotline, a central location where issues can be reported, would go along with having an ADA coordinator for the city--someone to follow-up on and oversee all of the issues. Without a central, publicized number, Mr. Anderson wondered how many calls the transit division is receiving about curb cuts and bus stops in general.
 - Mr. Davis did not have the numbers on him at this time, and he would only deal with curb cuts, not bus stops. If there’s a case where both are an issue, the same contractor is used and the same staff person is manager of those contracts so it is coordinated to that extent.
- Kathleen Green stated that there needs to be more communication and coordination between departments.
- Rich Nolan shared his general thoughts: first, in the telephone book’s blue pages for the City of Tempe there is a listing for the ADA hotline. He wondered if there is a voice mail somewhere filled with messages and concerns that no one has listened to. Who staffs that hotline and addresses those concerns? Mr. Nolan also

- cited examples where the City Council requires standards that are more stringent than are included in code; such as, the CPTED [Crime Prevention through Environmental Design] requirements. Can our city planners start making plans that include best practices and send plans to city council for review? Mr. Nolan was speaking about new buildings specifically.
- Ms. Green raised the concern that if suggestions for best practices start being made, soon you could have issues with the UBC. It might be better to propose amendments to the UBC that would reflect these best practice standards. Make a law instead of using an opinion to keep things the same across the board.
 - Mr. Nolan was intending for the best practice plan comments to be used as an interim step until such amendments can be made. Also, with the General Plan 2030 that is coming up in the May election, there is an accessibility element that calls for universal design in construction.
 - Ms. Taylor Webb had concerns about frail seniors who may not be technically considered as disabled? She wondered if there an existing definition to delineate between the frail elderly and the disabled?
 - Ms. Spears stated that for the purposes of the task force, the definition of disability encompasses more than mobility issues.
 - Paul Bennewitz asked which City department has oversight over ensuring access of the sidewalk where there is plant overgrowth?
 - Mr. Davis responded that if it is, for example, a bush on private property, the Development Services code enforcement office can issue a citation. However, he was unsure of their specific policies, and how proactive they are.
 - If the overgrowth occurs on a city owned right of way, such as in a public park, the Parks and Recreation Division is responsible and if it is on a City street, the Public Works Dept. would take care of the issue.
 - Mr. Bennewitz then asked Ms. Wiebe-Smith if there is a set aside for organizations that are serving people with special needs? Several years ago his organization received a small grant for arts & crafts for those with special needs. He is not aware if these types of funds are generally available.
 - Ms. Wiebe-Smith stated that the City does have a grant program for neighborhood groups, but was unsure whether there are specific set-asides.
 - Kathleen Green asked about the Development Service code enforcement office. Are they capable of enforcing any code such as ADAAG, ADA, and City ordinance? Is there any enforcement of Federal standards? The state has adopted ADA, so is there ADA jurisdiction to enforce those standards?
 - Mr. Maldonado explained that when the state adopted their version of ADA, they mandated certain requirements that the state chose not enforce on a state level. They required the City to enforce ADAAG standards. ADAAG does not cover preexisting structures that are non-compliant. The Attorney General's Office, Civil Rights Division, would be the authority to enforce non-ADA compliant pre-existing structures. In order for the city to be able to enforce ADA on preexisting buildings, the city would need to adopt new ordinances or legislation would need to be enacted that would grant the City that authority.

- Mr. Anderson asked if the City adopted ADAAG, why don't they have the authority to enforce it?
- Mr. Maldonado responded that when the state adopted the ADA, they adopted selected areas, not the whole package. Building departments were then required to enforce ADAAG as the accessibility standard along with selected areas. As far as reasonable accommodation on existing areas, the City is not required to enforce, but it is handled by the State.
- Mr. Anderson asked, if a building comes into the city that is not compliant, why doesn't the city have the authority to require that the plans be brought up to standard?
- Mr. Maldonado responded that there is a legal requirement to make the plans compliant. There are several parts to ADA, Title One, and Title Two that each have individual sections within them. All of ADAAG is enforced. It is only enforced, however, for new buildings, remodels and tenant improvements. In an existing building, ADA requires reasonable accommodations but the city cannot go in to private buildings and make the owners bring their building to up to current code.
- Ms. Spears felt that much of the discussion was regarding the specifics of enforcement. She felt that perhaps someone from the City Attorney's Office could attend a future meeting to address this issue. The State dictates what areas the city can and cannot have jurisdiction over, and the Attorney's Office would be best able to respond to these issues.
- Scott Greeves commented that he has personally filed several actions with the Attorney General's office regarding accessibility issues in existing construction, and you always have to go through the Attorney General's office.
- Mr. Greeves is also working with the Bar Association on a task force reviewing accessibility issues in Arizona courthouses.
- Linda Bergevin commented that as a parent of a child with a disability it can be difficult to determine all of the potential contacts for services. Ms. Bergevin asked if there is some type of cooperative or similar organization where information can be easily shared? Unless parents know where to seek the information and who to ask they have a difficult time finding information.
 - Ms. Cano explained that she has dialogue with some of the schools, but not all of them at this time. She sends brochures out to all of the schools, but is not sure if all of the teachers get them
 - Ms. Bergevin commented that as a parent she has never been contacted by the school regarding programs.
 - Ms. Cano mentioned that her website has a calendar of events, but people need to know to look there. A better option might be to have a contact at each of the schools who can organize the information and make it available to parents.
 - Ms. Green asked about the assessment that Ms. Cano mentioned during her presentation. Can the information about the assessment be sent out to the parents of children with disabilities or does the parent have to come and ask for?

- Ms. Cano replied that the parent has to contact them for the information. Information will now be more readily available and is currently in the citywide brochure, but you have to know what to look for.
- Will there be social events for the younger kids? They often do not have the opportunities that typical children in that age group get?
- Ms. Cano said that classes are currently offered, and that Parks and Recreation is open to ideas. She would love to have suggestions emailed to her.
- Nancy Puffer agreed that there seems to be a hole in activities for kids age five to eight.
- Ms. Cano would like more detailed input from parents, such as days of the week that would be good and hours that are best for programs.
- Ms. Spears mentioned that there are many boards and commissions within the city--each deals with its own individual area. There are many groups that can overlap. The mission of the Task Force on Disability Issues is to make recommendation on improving the existing services, accessibility of Tempe, and how Tempe functions with regard to disability issues.
- Mr. Anderson commented that if you are trying to coordinate the dissemination of information, with the schools already burdened, can the schools provide a list of the enrolled students with disabilities? Mailings could then go straight to parents and not have to be filtered through the teachers?
- Ms. Spears responded that there are many privacy issues. Schools have strict rules about what information they can give out about students. In order to create a list it would most likely require a parent release to be signed. One of the recommendations of this task force may be to strengthen the relationship between the school districts, the city and the resources.
- Raissa Devereux asked Ms. Wiebe-Smith if they coordinate with the disability resource center at ASU for projects utilizing ASU Arts resources.
 - Ms. Wiebe-Smith responded that coordination has not yet begun, but they will research that option for the future.
- Rich Nolan commented on the “disconnects” in communication with City staff. Mr. Nolan noted that there are likely disconnects between the various boards and commissions that deal with overlapping issues. Perhaps within the city boards and commissions more liaisons are needed. In order to foster interaction and avoid tunnel vision, perhaps some tasks should be addressed jointly.
 - Raissa commented that there is a lack of communication up to the national level among many organizations and agencies.
- Mike Franjevic stated that although the City motto is “Live, Learn, Work and Play in Tempe,” it only seems to apply for new area like downtown Tempe and Town Lake. He feels there has been little effort put into retrofitting and repairing the disrepair and safety of older areas. Mr. Franjevic feels that a positive aspect of the accessibility element in the General Plan 2030 that will be put to a vote in May is that it provides for old and existing structures as well.
 - Mr. Davis mentioned that these types of repairs can be addressed in the budgeting process via the Capital Improvement Plan (CIP). An example of a CIP Budget item is miscellaneous concrete that is used to do curb cut

- repairs. Increasing or changing this item could lead to a more proactive program.
- Kathleen Green mentioned that two of her fellow Disability Commission members have been injured due to infrastructure disrepair. She would like to focus on risk mitigation, not just the things that would be nice to do. When the Task Force prepares to make its recommendations, look at the risk each item presents to individuals and then keep that in mind when prioritizing capital budget issues.
 - Ms. Spears explained that the City of Tempe has both an operating budget and a capital improvements budget. CIP is the capital improvement budget whose funds are separate from the operating funds. A hierarchy is assigned by the city council to what gets done first and last. When major improvements such as the Brickyards take place, it is not always city money that is used. The city has requirements and the developer needs to include these kinds of improvements. The City does review those plans, but private developers spend the money.
 - Lee Burge asked if the City of Tempe has a central contact person to direct individuals to appropriate Departments.
 - Ms. Spears mentioned that in each of the previous task forces the need for a central person was addressed.
 - Nancy Black wants to make sure that the Task Force on Disability Issues includes a recommendation to have a staff person or office address these issues.
 - Ms. Black had a second comment regarding parking. She wondered how accessible parking is in Tempe, and parking garages in particular?
 - Mr. Maldonado explained that most parking is private development and all new parking garages have accessible exit and entrance routes. The accessible route may not be the most direct, but it will be ADA compliant.
 - Ms. Guzself discussed specifically the Brickyard Garage. She had asked the attendant for information for disabled accessible parking and elevators. The parking garage attendant had no information and the accessible route was not marked at all.
 - Ms. Spears stated that the Brickyard parking garage is private property.
 - Rich Nolan mentioned that City Manager Will Manley has a job description in process for hiring an ADA Coordinator. He is trying to find the money in the budget to fill this position.
 - Mr. Nolan questioned how people with vision impairments are informed of the presence of public art or that a Braille plaque is present. How can we involve visually impaired people with public art?
 - Ms. Wiebe-Smith commented that there are many ways, such as feeling the texture where a plaque might be located.
 - Raissa Devereux commented that the City's website is accessible if you have a reader program installed on the computer. Web designers imbed text tags to explain illustrations.
 - Kathleen Green suggested that an audible beacon could be used to alert a visually impaired person to seek a plaque.
 - Ms. Devereux recommended specialized headphones to avoid an audible beacon.
 - Jacque Olsen had a question for Ms. Cano regarding accessibility for the arts. She stated that only a small percentage of the visually impaired actually read Braille,

but she suggested that audio descriptions be researched. ArtAbility might be a good resource for the public arts.

- Martha Cronin mentioned that ArtAbility was invited but were unable to attend the meeting.
- Ms. Olsen asked about Parks and Recreation classes and accommodations. She cited the following example: she attended a ceramics class, and the instructor was unaware of her site impairment even though she had called the published number to inform them. Ms. Olsen wanted to know if there was a procedure in place to ensure that appropriate accommodations are made.
 - Linda Cano explained that accommodations requests are directed to her for classes through the Parks and Rec. division, but that some classes are offered through Cultural Services. She was unaware of their policy for making accommodations.
- Morris Anderson suggested “sensitivity awareness” training for the department heads and city planners. He suggested they spend a day in wheelchairs and go through City Hall to experience the actual challenges.
- Linda Spears asked if there were any other comments and thanked the city staff – and Collette Jones from the ARC for their time. If there are additional questions, we will get back with the panel members and will provide them with a copy of recommendations when they are prepared.

IV. Review Handouts/Mailed Materials

- Linda Spears explained that approval of the minutes needs to be included as an individual agenda item so at the next meeting both the January and February meeting minutes will need to be approved.
- The “Accessibility Element” from General Plan 2030 was also included in the packet. The General Plan will be brought to a citizen vote in May.
- The packet also included detailed information from Gary Davis
- Organizational Input form with responses from the “resource persons” was included as well as,
- E-mail correspondences from Task Force members.

V. Announcements

- Linda announced that Scott Greeves has agreed to co-chair the Task Force on Disabilities Issues.

VI. Public Comment

- Ms. Spears asked if there were any additional comments.
- Martha Cronin announced that there are additional copies of handouts available.
- Ms. Cronin also announced that an alternative venue would be sought for the future meetings due to space constraints. Every effort to keep the meeting time the same will be made. Notification will be sent to everyone.
 - Morris Anderson asked if the third Wednesday of each month is a set date.
 - Ms. Cronin responded that due to the other commissions and events it is difficult to schedule for everyone, but the third Wednesday was the best overall option.
- Ms. Spears announced that there are audio tapes of the meetings available for check out. See Amanda Baldwin if you would like to get a copy of the tape.

- Linda asked that if anyone cannot attend a meeting and had issues to be included that they e-mail Ms. Cronin.
- The next meeting will be Wednesday, March 17, 2004 – location to be determined.

VIII. Adjourn

- Linda Spears adjourned the meeting at 6:23 pm